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VIENNA VA 22182-3817

**MAILED**

**MAY 17 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Hasegawa et al.	:	ON APPLICATION FOR
Application No. 10/803,087	:	PATENT TERM ADJUSTMENT
Filed: March 18, 2004	:	
Attorney Docket No. PHCF-04015	:	
For: SEMICONDUCTOR FILM	:	
FORMATION DEVICE	:	

This is in response to the "REQUEST FOR RE-EVALUATION OF PATENT TERM ADJUSTMENT", filed October 19 2009. Applicants argue they prevailed over the examiner's reopening of prosecution.

The application for patent term adjustment (PTA) under 37 CFR 1.705(b) is **DISMISSED**.

On October 6, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is one hundred sixteen (116) days. Applicants request verification of the determination of patent term adjustment under 35 U.S.C. § 154(b).

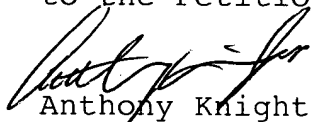
Submission of the patent term adjustment application fee is a prerequisite prior to treatment on the merits of any application submitted pursuant to 37 CFR 1.705. The instant application was filed without the required \$200.00 fee. The application for patent term adjustment did not authorize the Office to charge the required fee to applicants' deposit account.

Accordingly, the application for patent term adjustment is subject to dismissal for lack of fee.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

Telephone inquiries specific to this matter should be directed to the Petitions Attorney Charlema Grant at (571) 272-3215.



Anthony Knight  
Director  
Office of Petitions